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F5 NETWORKS, INC.

11
12 UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 IMPLICIT NETWORKS, INC.,

15 Plaintiff,

16 v.

17 F5 NETWORKS, INC.,

18 Defendant.
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Case No. 10-CV-3365 SI

**STIPULATION AND [PROPOSED]
ORDER FOR LEAVE TO FILE FIRST
AMENDED COMPLAINT**

1
2 Plaintiff Implicit Networks, Inc. ("Plaintiff") and defendant F5 Networks, Inc.
3 ("Defendant"), hereby stipulate through their respective counsel of record as follows:

4 WHEREAS, on or about July 30, 2010, Plaintiff served its Original Complaint upon
5 Defendant; Plaintiff's Complaint alleges counts for patent infringement, including direct
6 infringement, induced infringement, contributory infringement and willful infringement;

7
8 WHEREAS, Defendant filed its Answer to Complaint, and Counter-Complaint for
9 Declaratory Judgment of Invalidity and Non-Infringement of U.S. Patent Nos. 6,629,163 and
10 7,711,857 on or about October 13, 2010, and Plaintiff filed its Answer to Counterclaim on or
11 about November 3, 2010;

12 WHEREAS, Plaintiff has drafted its First Amended Complaint, in order to allege in
13 more detail facts relating to its claims for relief for induced infringement, contributory
14 infringement and willful infringement;

15 WHEREAS, Defendant and Plaintiff have agreed and stipulated to Plaintiff's filing of
16 the First Amended Complaint; and

17
18 WHEREAS, no trial date has yet been set in this action;

19 WHEREFORE IT IS HEREBY STIPULATED BY THE PARTIES HERETO that
20 Plaintiff may have leave to file its First Amended Complaint, attached hereto as Exhibit 1.
21 Plaintiff and Defendant, through their respective counsel of record, have agreed to this filing.
22

23 DATED: December 16, 2010

HOSIE RICE LLP

24
25 By: /s/ George F. Bishop
26 George F. Bishop
27 Attorneys for Plaintiff
28 Implicit Networks, Inc.

1 K&L GATES LLP

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3 By: /s/D. Shane Brun
4 D. Shane Brun
5 *Attorneys for Defendant*
6 *F5 Networks, Inc.*

7 I hereby attest pursuant to General Order 45.X.B. that concurrence in the electronic
8 filing of this document has been obtained from the other signatories.

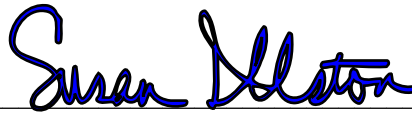
9 DATED: December 16, 2010

10 /s/ George F. Bishop
11 George F. Bishop
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PURSUANT TO STIPULATION IT IS ORDERED THAT

Leave to file Plaintiff's First Amended Complaint is GRANTED.

Dated: December __, 2010



Honorable Susan Illston
U.S. DISTRICT COURT JUDGE